APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/815,341	BERMAN, DENNIS R.
		Examiner	Art Unit	
		Benjamin W. Lee	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *06/05/2007*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The amendment filed 06/05/2007 has been entered. Claims 1-39 are pending in this

application. Claims 1-39 have been amended.

Oath/Declaration

2.   The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because:
> It does not state that the person making the oath or declaration acknowledges the duty to
> disclose to the Office all information known to the person to be material to **patentability**
> as defined in 37 CFR 1.56.

The declaration filed 03/31/2004 states, "I acknowledge the duty to disclose information known

to me to be material to the **examination** of this application in accordance with Title 37, Code of

Federal Regulations, § 1.56." A new declaration should be filed in which "material to the

examination" is replaced with --material to the patentability--.

Claim Objections

3.   Claim 36 is objected to because of the following informalities: "training course" in lines

2-3 should be changed to --training session-- in order to be consistent with the language of parent

claim 27. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claims 1-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 14, and 27 recite the limitation "the second Web document displaying characters received from the user if and only if the character received form the user correspond to characters of the keyword" in lines 10-12, lines 10-11, and lines 10-12, respectively. The specification does not provide support for this limitation. The closest section of the applicant's specification found by the examiner is located on pages 31-32 and Fig. 11. The specification describes presenting incorrect characters in a different font color, font size, font style, or font family or displaying 1-all incorrect characters entered. However, this part of the specification does not disclose hiding every single incorrect character entered. Claims 2-13, 15-26, and 28-39 are dependent on claims 1, 14, and 27 and thus inherit the same deficiency.

6.   Claims 1-39 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for providing training which uses a computer system wherein the computer

compares entered keywords with stored keywords, does not reasonably provide enablement for the broad limitation "providing training to the user" found in claim 1, line 14, claim 14, line 14, and claim 27, line 15. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

The limitation "providing training to the user" is not structurally related to the other limitations of the claim. The claims do not limit "training" to the method step disclosed of requesting a Web server to serve a Web document. Instead, the claims may be fairly interpreted to mean that any type of training, whether or not related the Web document/image disclosed in the claim, may be provided. The applicant's specification only provides support for providing training that uses the Web documents/images. Furthermore, even if "providing training to the user" is understood to mean that the training is limited to using the specific Web document/image disclosed by the applicant, it is still unclear what specifically encompasses "providing training." The applicant's specification only discloses a user interacting with the computer system as training. The limitation "providing training" may be fairly interpreted to mean that any other form of training (e.g. playback of a video or listening to a speaker) may be provided.

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.   Claims 1-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claims 1, 14, and 27 recite the limitation "at least one of the plurality of training

courses/sessions including a second Web document." The limitation is not clear because it

allows for the possibility of more than one training course/session (at least one) to have a second

Web document. In the case that there is more than one training course/session, it is unclear

whether the plurality of training courses/session share the same Web document or if each

training course/session has a separate Web document. Furthermore, claim 14 does not disclose a

first Web document and it is unclear why the documents of claim 14 must specifically be Web

documents since it is not disclosed that the system is operated over a network. Claims 2-13, 15-

26, and 28-39 are dependent on claims 1, 14, and 27 and thus inherit the same deficiencies.

Claim Rejections - 35 USC § 103

9.   Claims 1, 2, 6, 8-15, 19, 21-28, 32, and 34-39 are rejected under 35 U.S.C. 103(a) as

being unpatentable over McElwrath (US 2004/0009462) in view of Ziv-el et al. (US 6,898,411

B2, hereinafter Ziv-el) and Henson (US 4,055,907).

Re claims 1, 14, and 27: McElwrath discloses a method of providing training to a user,

the method executed by a computer system having a processor and memory (see ¶ [0069]), the

method comprising requesting a Web server to serve a Web document/image (i.e. homepage),

the Web document including a plurality of objects that provide the ability to select (i.e. click on)

one training course/session from a plurality of training courses/session (i.e. menu) of training

courses (see ¶ [0633]). The selection of a training course/session launches another Web

document (i.e. module) (see ¶ [0637]) and thus, the user is provided training (i.e. a course of

study).

However, McElwrath fails to disclose the other Web document stores a keyword and

displays a question, a complete answer to the question, a field for displaying character received

from a user, and displaying characters if and only if the characters received from the user

correspond to characters of the keyword.

Ziv-el teaches a method and system for online teaching using web pages. Teachers

generate exercises for students related to a web page. The teacher designates a web page and

questions and answers related to the web page for distribution to students (see Fig. 1; col. 5, lines

17-30; col. 4, lines 44-50). One of the embodiments of the invention allows for "fill-in-the-

blank" type questions and responses (see col. 4, lines 24-27). The response of the students may

be automatically checked for correctness by directly comparing the response to the teacher's

answer (see Fig. 5; col. 6, lines 61-66). Thus, a web page provides questions and a complete

answer to the questions (i.e. the web page related to the question). The student is provided with

a field to enter the student's answer (see Fig. 1; col. 4, lines 17-30). The same field used by the

student to enter an answer also serves to display an incomplete answer as the user types in the

answer.

Therefore, in view of Ziv-el, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to add the web page question/answer to the learning system

of McElwrath in order to provide exercises to students that take advantage of the variety and depth of material available on the World Wide Web.

However, the teachings of McElwrath as modified by Ziv-el fail to disclose displaying characters received from the user if and only if the characters received form the user correspond to characters of the keyword.

Henson teaches a character scanned teaching machine. A user enters an answer to a question character by character and only the correct characters are displayed (see col. 4, liens 30-53).

Therefore, in view of Henson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to only display characters received from user if the characters correspond to the keyword/answer in order to provide immediate feedback to the user regarding the correctness of the user's response.

Re claims 2, 15, and 28: The teachings of McElwrath, Ziv-el and Henson as applied to claims 1, 14, and 27 above have been discussed. McElwrath further discloses an element (i.e. the title) that indicates that one of the plurality of training courses is available (see ¶ [0633]).

Re claims 6, 19, and 32: The teachings of McElwrath, Ziv-el and Henson as applied to claims 1, 14, and 27 above have been discussed. McElwrath further discloses the Web document/image includes an element that indicates that one of the plurality of training courses (i.e. modules) within a course was previously completed by a user (see ¶ [0189]).

Re claims 8, 21, and 34: The teachings of McElwrath, Ziv-el and Henson as applied to claims 1, 14, and 27 above have been discussed. McElwrath further discloses the Web document/image includes an element that identifies the title of at least one training course (see ¶ [0633]).

Re claims 9, 22, and 35: The teachings of McElwrath, Ziv-el and Henson as applied to claims 8, 21, and 34 above have been discussed. McElwrath further discloses the element is one of the plurality of objects (see ¶ [0633]).

Re claims 10, 11, 23, 24, and 36: The teachings of McElwrath, Ziv-el and Henson as applied to claims 1, 14, and 27 above have been discussed. McElwrath further discloses the Web document/image includes an element that identifies the number of question sin at least one training course (see ¶ [0143], lines 5-7).

Re claims 12, 13, 25, and 26: The teachings of McElwrath, Ziv-el and Henson as applied to claims 1 and 14 above have been discussed. McElwrath further discloses at least one training course from the plurality of training courses includes at least one session and the Web document/image includes an element (i.e. session number) that identifies the number of sessions in the at least one training course (se ¶ [0738]).

Re claim 37: The teachings of McElwrath, Ziv-el and Henson as applied to claim 27 above have been discussed. McElwrath further discloses the at least one training session from

the plurality of training sessions includes at least one part and the Web document includes an

element that identifies the number of parts (i.e. modules) in the at least one training session (see

¶ [0556]).

Re claim 38: The teachings of McElwrath, Ziv-el and Henson as applied to claim 27

above have been discussed. McElwrath further discloses the at least one training session from

the plurality of training sessions includes at least one training day and wherein the Web

document includes an element that identifies the number of training days in the at least one

training sessions (see ¶ [0191] - ¶ [0192]).

Re claim 39: The teachings of McElwrath, Ziv-el and Henson as applied to claim 38

above have been discussed. McElwrath further discloses the Web document includes an element

(i.e. a calendar) that identifies the number of training days completed in the at least one training

session (see ¶ [0192] and ¶ [0200]).

10.   Claims 3-5, 16-18, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable

over McElwrath, Ziv-el, and Henson as applied to claims 1, 2, 14, 15, 27 and 28 above, and

further in view of Sullivan et al (US 6,662,365 B1, hereinafter Sullivan).

Re claims 3, 16, and 29: The teachings of McElwrath, Ziv-el and Henson as applied to

claims 2, 15, and 28 above have been discussed.

However, the teachings of McElwrath, Ziv-el, and Henson fail to disclose the element is

an icon having the shape of an unlocked padlock.

Sullivan teaches the concept of using padlock icons (see col. 7, lines 12-26).

Therefore, in view of Sullivan, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to incorporate an icon having the shape of an unlocked

padlock in order to provide a visual representation of the status of a menu selection item.

Re claims 4, 5, 17, 18, 30, and 31: The teachings of McElwrath, Ziv-el and Henson as

applied to claims 1, 14, and 27 above have been discussed.

However, the teachings of McElwrath, Ziv-el and Henson fail to disclose the Web

document/image includes an element that indicates that one of the plurality of courses is

unavailable and the element is an icon having the shape of a locked padlock.

Sullivan teaches the concept to fusing padlock icons (see col. 7, lines 12-26).

Therefore, inv view of Sullivan, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to incorporate an icon having the shape of a locked

padlock to indicate a course is unavailable in order to provide a visual representation of the status

of a menu selection item.

11.   Claims 7, 20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McElwrath, Ziv-el, and Henson as applied to claims 6, 19, and 32 above, and further in view of

Beavers et al. (US 2004/0002049, hereinafter Beavers).

The teachings of McElwrath, Ziv-el and Henson as applied to claim 6, 19, and 32 above have been discussed.

However, the teachings of McElwrath, Ziv-el and Henson fail to disclose the element is an icon having the shape of a check.

Beavers teaches a checkmark icon (see ¶ [148]).

Therefore, in view of Beavers, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an icon having the shape of a check in order to indicate which selections were made.

Response to Arguments

12.   Applicant's arguments with respect to claims 1, 14, and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin W. Lee whose telephone number is 571-270-1346. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RONALD LANEAU
PRIMARY EXAMINER

2/9/07

BWL
Benjamin W. Lee
August 7, 2007